

## **REMARKS**

### **I      Introduction**

Claims 16-20 and 22-36 are pending in this application after addition of claims 30-36 and cancellation of claims 15 and 21. Claims 25 and 26 have been amended to be in independent form and incorporate the limitations of now-canceled claims 15 and 21. Remaining claims 16-20, 22-24, and 27-36 depend from claim 25 or claim 26. Applicants respectfully submit that pending claims 16-20 and 22-36 are allowable in view of the above amendments and the following explanation.

### **II.    Rejection of Claims 15-29 under 35 U.S.C. § 102(b)**

Claims 15-29 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,049,753 (“Nimura”). Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

To anticipate a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim limitation is *identically disclosed* in a single prior art reference. (See Scripps Clinic & Research Foundation v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). “The identical invention must be shown in as complete detail as is contained in the claim.” M.P.E.P. § 2131. If any claimed element is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997).

As noted above, claims 15 and 21 have been canceled, and claims 25 and 26 have been amended to be in independent form and incorporate the limitations of now-canceled claims 15 and 21. Amended claim 25 recites a navigational system that includes “a reproducing device configured to reproduce the calculated first route and the at least one second route for selection by a user,” and “a communications unit configured to receive information regarding traffic disruptions on the calculated first route and the at least one second route, *the reproducing device configured to reproduce the information regarding the traffic disruptions, wherein the reproducing device is configured to reproduce the traffic disruptions in the form of isolines.*” Amended claim 26 recites a navigational system that includes “a reproducing device configured to reproduce the calculated first route and the at least one second route for selection by a user,” and “a communications unit configured to receive information regarding traffic disruptions on the calculated first route and the at least one second route, *the reproducing device configured to reproduce the information regarding the traffic disruptions, wherein the reproducing device is configured to reproduce the traffic disruptions in the form of an isographic diagram.*” Applicants submit that these claimed features are not taught or suggested by Nimura.

In support of the rejection, the Examiner cites column 26, lines 35-40 of Nimura as teaching the features of "a communications unit configured to receive information regarding traffic disruptions on the calculated first route and the at least one second route, the reproducing device configured to reproduce the information regarding the traffic disruptions." However, nothing in the Nimura reference, including the cited section, actually teaches or suggests the features that the reproducing device reproduces the traffic disruptions in the form of isolines or isographic diagrams, as recited in claims 25 and 26. Instead, column 26, lines 35-40 of Nimura merely teach that, in the selection of a destination for a route computation, certain "facilities" are selected or not selected depending on whether traffic disruption messages exist with respect to the "facilities," i.e., messages which indicate a blocking of the "facilities" or of the surrounding roads. Clearly, there is no suggestion of reading out the traffic disruption messages, let alone a suggestion of reproducing traffic disruption messages in the form of "isolines" or "isographic diagrams." Thus, the subject matters of Claims 25 and 26 are simply not taught or suggested by Nimura.

For at least the foregoing reasons, claims 25 and 26, as well as their dependent claims 16-20, 22-24, and 27-36, are not anticipated by Nimura. Withdrawal of the anticipation rejection is respectfully request.

#### CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the pending claims 16-20 and 22-36 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

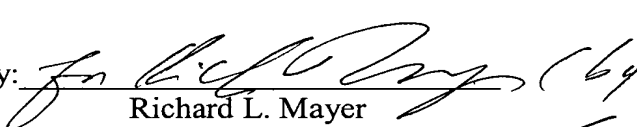
Applicants request a one-month extension of time to respond to the Office Action of September 22, 2004. The Office is authorized to charge a one-month extension fee of \$120 and any other fees associated with this Amendment to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON

Dated: 11/7, 2005

By:

  
Richard L. Mayer  
Reg. No. 22,490  
One Broadway  
New York, NY 10004  
(212) 425-7200

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**CUSTOMER NO. 26646**